

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
BANKRUPTCY DIVISION

In Re:)	
)	Chapter 11
KEITH P. MARTIN)	Case No. 16-14269-MSH
DEANA M. MARTIN)	
Debtors)	
)	

STATEMENT OF DEBTORS IN SUPPORT OF DOCUMENT NO. 53

To the Honorable Melvin S. Hoffman, Bankruptcy Judge:

The undersigned general bankruptcy Counsel to the Debtors submits the following statement relative to Document No. 53 and 55, the Motion of Debtor to Employ Special Counsel Nunc Pro Tunc and the Response of the United States Trustee thereto.

1. In Document 55, the United States Trustee cites the case of In Re Jarvis, 53 F.3d 416, (1st Cir. 1995). While the undersigned Counsel acknowledges that there was a delay in filing Document 53, extraordinary circumstances justified that delay.
2. This case was filed on November 7, 2016 and in an attempt to stop a hearing before the Massachusetts Commission Against Discrimination (“MCAD”) scheduled for November 17, 2016, a Suggestion of Reorganization was filed with the MCAD.
3. The MCAD refused to recognize the automatic stay.

4. As a result, the Complainant in the MCAD matter filed an emergency motion for relief from the automatic stay which was heard by this Court on November 16, 2016.
 5. At the hearing on the relief from stay, the undersigned Counsel believes he indicated to the Court that if the MCAD matter proceeded, said MCAD hearing would be handled by pre-petition counsel representing the Debtors in the MCAD matter and that the Motion to Employ Special Co-Counsel would need to be filed.
 6. This Court granted relief from stay and a four (4) day hearing before the MCAD occurred, beginning on November 17, 2016 handled by proposed special Counsel, Michael Ford and Peter Morin.
 7. Draft Special Counsel pleadings including Affidavits were forwarded to Attorneys Ford and Morin by the undersigned on November 21, 2016, just prior to the Thanksgiving holiday. The Affidavit of Attorney Morin was returned on December 1, 2016 and the Affidavit of Mr. Ford was returned on December 20, 2016,
 8. Attorney Ford inadvertently neglected to return the Affidavit prior thereto and the undersigned inadvertently did not make a follow up call to Attorney Ford as should have been done.
 9. Since the existence of the MCAD claim has been known since the beginning of the case and since the undersigned believes that the necessity of Special Counsel was announced at the hearing on the Motion for Relief from Stay, the undersigned asserts special circumstances exist for the allowance of
- Document No. 53.

Keith D. Martin
Deana M. Martin
By their Counsel,

Dated: January 25, 2016

/s/Gary W. Cruickshank, Esq.
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CERTIFICATE OF SERVICE

I, Gary W. Cruickshank, hereby certify that on January 25, 2016, I electronically filed with the Clerk of the Bankruptcy Court, the foregoing Statement and served same in the following manner upon the interested parties:

E-mail service: via the Court's CM/ECF system which sent notification of such filing to the following:

- **John Fitzgerald** USTPRegion01.BO.ECF@USDOJ.GOV
- **Constance A. Browne** cbrowne@gbis.org
- **Robert Sable** rsable@gbis.org

/s/Gary W. Cruickshank, Esq.